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JAN 12 2004

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## FACSIMILE TRANSMISSION

**CONFIDENTIAL**

DATE: January 12, 2004

CLIENT-MATTER No.: 23542-07404

## To:

NAME	FAX NO.	PHONE NO.
Jeffrey N. Friedman U.S. Patent and Trademark Office Group Art 1634	703-305-3014- 872-9306	

FROM: Susan T. Hubl, Ph.D. PHONE: (415) 875-2316

SENT BY: Cheryl Leger PHONE: (415) 875-2495

RE: U.S. Patent and Trademark Appl. No. 09/929,663

NUMBER OF PAGES WITH COVER PAGE: 5

ORIGINAL WILL NOT FOLLOW

## MESSAGE:

Please see attached Notice of Appeal.

**CAUTION - CONFIDENTIAL**

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0001/PTO Rev. 10/95	U.S. Department of Commerce Patent and Trademark Office		
<b>TRANSMITTAL FORM</b>			
(to be used for all correspondence during pendency of filed application)			
Total Number of Pages In This Submission	5	Application Number	09/929,663
Filing Date	August 14, 2001		
First Named Inventor	Carl A. Kamb		
Group Art Unit Number	1634		
Examiner Name	Jeffrey N. Friedman		
		Attorney Docket Number	23542-07404

<b>ENCLOSURES (check all that apply)</b>	
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Check Enclosed <input type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Response to Notice to File Missing Parts <input type="checkbox"/> Assignment & Recordation Cover Sheet <input type="checkbox"/> Declaration <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A <input type="checkbox"/> Copies of IDS Cited References <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Request for Correction of Recorded Assignment <input type="checkbox"/> Amendment/Response: [ ] Page(s) <input type="checkbox"/> After Final <input type="checkbox"/> Status Request <input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Chief Draftsperson <input type="checkbox"/> Formal Drawing(s): <input type="checkbox"/> [ ] Sheet(s) of Figure(s) [ ] <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Fax Cover Sheet <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
REMARKS:	

<b>SIGNATURE OF ATTORNEY OR AGENT</b>			
Signature:	<i>Susan T. Hubl</i>		
Attorney/Reg. No.:	Susan T. Hubl, Reg. No. 47,668	Dated:	Jan. 12, 2004

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>			
I hereby certify that this correspondence, including the enclosures identified above, is being transmitted on the date shown below via facsimile to: Commissioner for Patents at the facsimile number indicated below.			
Signature:	<i>Susan T. Hubl</i>		
Typed or Printed Name:	Susan T. Hubl	Dated:	Jan. 12, 2004
Facsimile Number:	1-703-305-9334	872-9306	

23542/07404/SP/5112663.1

**FEE TRANSMITTAL  
for FY 2004**

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 640.00)

<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\$)</b> 640.00	Attorney Docket No.	23542-07404
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**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  Other  None  
 Deposit Account:

**Deposit Account Number**

Deposit Account Name: 1942355

Deposit Account Name | Fenwick & West LLP

**The Commissioner is authorized to: (check all that apply)**

- Charge fee(s) indicated below
- Credit any overpayments
- Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application
- Other \_\_\_\_\_

Charge fee(s) indicated below, except  
to the above-identified deposit account.

**FEE CALCULATION (continued)**

### **3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid		
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	60	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	475.00
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	165.00
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to Institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1480	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(g)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional Invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					

**SUBTOTAL (2)**

SUBTOTAL (3) (\$)**640,00**

For number previously held, if greater. For Reissues, see above.

Reduced by Basic Filing Fee Paid

SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	Susan T. Hubl	Registration No. (Attorney/Agent)	47,668		Telephone (415) 875-2316
Signature				Date	January 12, 2004

PATENT  
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IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

APPLICANT(S): Carl A. Kamb

APPLICATION NO.: 09/929,663

FILING DATE: August 14, 2001

TITLE: Process for Identification of Genes Perturbangens and Cellular Targets  
Relating to Viral Growth and Disease

EXAMINER: Jeffrey N. Friedman

GROUP ART UNIT: 1634

ATTY. DKT. NO.: 23542-07404

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted on the date shown below via facsimile to: Commissioner For Patents at facsimile number 703-872-9306 in on the date shown below:

Dated: January 12, 2004

By: Susan T. Hubl  
Susan T. Hubl, Reg. No.: 47,668

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**NOTICE OF APPEAL**

SIR:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner, mailed July 11, 2003, finally rejecting claims 1-4, 6-8, and 14-16.

Pursuant to 37 CFR § 1.17(e), enclosed is payment in the amount of \$ 165.00 for the filing of the Notice of Appeal. Included with this Notice is a Request for Extension of Time for Three (3) Months and the appropriate fee. Accordingly, this Notice is timely filed.

Respectfully submitted,  
CARL A. KAMB

Dated: 1/12/04

By: Susan T. Hubl  
Susan T. Hubl, Reg. No.: 47,668  
Fenwick & West LLP  
Silicon Valley Center  
801 California Street  
Mountain View, CA 94041  
Tel.: (415) 875-2316  
Fax.: (415) 395-0879